

## REMARKS

Claim 19 has been amended to more clearly and distinctly claim the invention. The amendments are intended to clarify the fact that the Applicant's device has a primary fluid jet that is ejected from the catheter in a first direction. This jet of fluid combines with ambient fluid forming a combined flow, which is deflected by a pressure difference across the jet into a second direction which is not the same as the first direction. This jet deflection is not present in the applied references as will be discussed in more detail.

Claim 23 calls for the primary jet and its attendant combined flow to be separately moveable with respect to the exhaust lumen. In each of the applied references the exhaust lumen and the fluid ejection structures are fixed with respect to each other permanently.

Turning to Drasler '267 the Examiner has provided a graphic in paragraph 5 of his action showing a primary jet orifice 22, which is parallel with the wall surface close to the reference line for item 228 in the figure. In this construction the primary jet and the combined flow travel in the same direction and for this reason they do not meet the criteria in claim 19 that calls for "said primary fluid jet flow of fluid emerging from said aperture adjacent said control body forms said combined flow along said control body such that combined fluid flows in a second direction which differs from said first direction."

Ruggio '450 teaches injection of fluid from one lumen and extraction of fluids from an alternate lumen. However Ruggio lacks the "Fluid aperture located proximate a control body" as called for by claim 23 inter alia.

Neracher '482 definitely teaches an ablation catheter that ejects a fluid jet into a blood vessel. However, there is no deflection of that jet caused by a pressure difference across the jet associated with a control body. The change of diameter referred to by the Examiner in his action in paragraph 5 and 2 does not meet the definitional constraint now clarified in claim 19, which calls for said control body surface providing a barrier "limiting fluid entrainment on one side of the primary fluid jet and promoting entrainment on the opposite side of the primary fluid jet."

## **COMMENTS ON EXAMINER'S RESPONSE TO ARGUMENTS**

The Applicant has sought to clarify the scope of the claim to ensure that it cannot be misread or read out of context. The Applicant recognizes the vitality of the Examiner's comments, however, the Applicant strenuously argues that with respect to Drassler and specifically illustrated by the image presented in the Examiner's action the fact that the fluid inlet aperture is directly aligned with the output aperture which "proves" that there is no jet deflection associated with the operation of this device and therefore it does not exhibit the Coanda affect.

With respect to Nearcher and Ruggio the claims now makes it very clear that the control body and the barrier associated with the control body are in the ambient fluid so that it can operate as a "barrier" with one side of the fluid jet lying close to the barrier and not entraining ambient fluid, while the opposite more exposed side of the jet is free to entrain ambient fluid. The control body identified in the Nearacher reference by the Examiner is entirely submerged in the primary fluid and therefore cannot meet this limitation.

With regard to Ruggio the Applicant agrees with the Examiner that fluid is injected and fluid is exhausted from different locations and that the flow directions are different. What is absent and what is required by the bulk of the geometric limitations presented in the Applicant's claim is a Coanda surface that causes a pressure to develop across the jet direction which bends the jet around from a first direction into a second direction.

With respect tot he Double Patenting rejection applicant will file a terminal disclaimer to obviate the rejection upon the indication of allowable subject matter.

## **CONCLUSION**

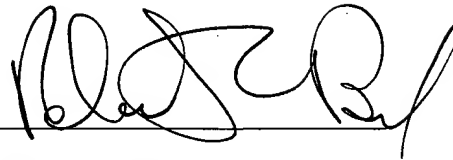
All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
SPRITE SOLUTIONS

Date:

11/17/03

By its attorneys:

A handwritten signature in black ink, appearing to read 'Robert C. Beck', written over a horizontal line.

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